

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THE BANK OF NEW YORK MELLON
FORMERLY KNOWN AS THE BANK
OF NEW YORK ON BEHALF OF CTI
MORTGAGE LOAN TRUST 2007-1,

Plaintiff,

v.

JOHN A. GLAVIN; GABRIELLE
GLAVIN; MORTGAGE ELECTRONIC
SYSTEMS, INC. AS NOMINEE FOR
ACCREDITED HOME LENDERS,
INC.; UNIFUNR CCR PARTNERS;
CITIBANK (SOUTH DAKOTA) N.A.;
UNITED STATES OF AMERICA;
WISCONSIN RIVER CO-OP
SERVICES,

Defendants.

ORDER

16-cv-349-bbc

This action for foreclosure brought by plaintiff The Bank of New York Mellon formerly known as The Bank of New York is before the court on two matters: plaintiff's itemization of its costs for an award of attorney fees, dkt. #11, and defendants John A. Glavin and Gabrielle Glavin's motion to reconsider. Dkt. #13. Although plaintiff moved for an award of costs in addition to attorney fees, it has not identified any costs that it believes should be paid by defendants, so I will ignore that request. It does seek attorney fees of \$713.00 for 3.4 hours of drafting a motion and a brief and reviewing defendants'

submissions, as well as the court's docket sheet for this case. That request will be granted. The hours spent are in line with the work for which plaintiff is seeking fees and the hourly fee is reasonable.

Defendants John Glavin and Gabrielle Glavin object to the award of any fees on the ground that the court denied a similar request in a ruling in a previous case involving the same parties and the same foreclosure action, Bank of New York Mellon v. Glavin, 14-cv-883-bbc, dkt. #11, and seek reconsideration of their motion to reconsider. Their objection comes too late. In an order entered on September 7, 2016, I granted plaintiff's motion for fees and costs and left it to plaintiff to submit an itemized statement in support of its motion. I am not inclined to reconsider that order. I continue to believe that it is warranted in light of the obvious burden to plaintiff of having to litigate defendants' repeated evasive conduct for the past seven years. Moreover, the fee submission is modest and well supported. Accordingly, plaintiff's request for fees in the amount of \$731.00 will be granted.

ORDER

IT IS ORDERED that the fees sought by plaintiff The Bank of New York Mellon formerly known as The Bank of New York on behalf of CIT Mortgage Loan Trust 2007-1 in the amount of \$731.00, dkt. #11, are approved. FURTHER, IT IS ORDERED that the motion for reconsideration of the court's decision to award fees filed by defendants Joan A.

Glavin and Gabrielle Glavin, dkt. #13, is DENIED. The clerk of court is directed to amend the judgment to include the award of fees.

Entered this 11th day of October, 2016.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge

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